Docket No.: US 010571

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REMARKS

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I. INTRODUCTION

Claims 1, 10 and 19 have been amended. Claims 2, 11 and 20 have been

previously cancelled. Thus, claims 1, 3-10, and 12-19 remain pending in the present application.

No new matter has been added. In view of the above amendments and following remarks, it is

respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 3-7, 10, 12-16 and 19 stand rejected under 35 U.S.C. § 103(a) as

unpatentable over U.S. Patent Publication No. 2002/0174429 to Gutta et al. ("Gutta") in view of

U.S. Patent No. 5,790,935 to Payton ("Payton") and U.S. Patent No. 6,637,029 to Maissel

("Maissel"). (See 11/17/06 Office Action, p. 3, ll. 8-10).

Amended claim 1 recites, *inter alia*, a "...*receiving a selection of at least one*

third party recommender from said user... generating a third party recommendation score for

said at least one of said available items *based on said selected third party recommendation*; and

calculating an adjusted recommendation score for said user, *wherein said user recommendation*

score is adjusted based on said third party recommendation score." (Emphasis added).

As maintained by the Applicant, Gutta relates solely to the *generation* of a

recommendation score. Specifically, Gutta teaches obtaining recommendation scores ("S_1",

"S_2", and "S_3") from at least three program recommenders, and computing a combined

recommendation score ("C") by applying a voting process. (See Gutta, ¶ 0016). The system

presents the recommended score C to a user to enable the user to select a television program of

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interest. (See Id.). Gutta goes on to describe the process of providing recommendation scores S_1, S_2, and S_3, such as through the use of feedback, implicit and explicit data. (See Id, ¶ 0035). Gutta simply provides the user with an aggregate recommendation score from recommenders without applying any consideration to a user's personal interest. Gutta fails to teach or suggest that the user **selects** at least one third party recommender. Furthermore, as correctly acknowledged by the Examiner, Gutta fails to disclose receiving a selection of at least one third party recommender from said user. (See 11/17/06 Office Action, p. 4, ll. 12-14). Accordingly, Gutta also fails to disclose the use of a selected third party when generating a third party recommendation score. Specifically, Gutta also fails to teach or suggest, "generating a third party recommendation score for said at least one of said available items *based on said selected third party recommendation*," as recited in claim 1 of the present invention. Furthermore, the Examiner also correctly acknowledges that Gutta fails to disclose, "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." (See Id., p. 3, ll. 16-21).

Payton generally refers to the virtual delivery of on-demand digital information. Specifically, Payton teaches a collaborative filtering system that synthesizes the preferences of all of the subscribers and predicts the items the subscribers might like. (See Payton, col. 4, lines 7-14). The collaborative filtering system produces a list of recommended items based on a subscriber's rating vector and the subscriber's general likes and dislikes. (See Id., col. 5, lines 6-21). To request an item, the subscriber interface displays this list of recommended items to the subscriber, wherein the subscriber can select one of the items or request a menu of available items. (See Id., col. 6, lines 26-31). Similar to Gutta, and as correctly acknowledged by the Examiner, Payton also fails to disclose receiving a selection of at least one third party

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recommender from the user. (See 11/17/06 Office Action, p. 4, ll. 12-14). Accordingly, Payton also fails to disclose the use of a selected third party when generating a third party recommendation score. Specifically, Payton also fails to teach or suggest, "generating a third party recommendation score for said at least one of said available items *based on said selected third party recommendation*," as recited in claim 1 of the present invention.

The Examiner asserts that the collaborative filter of Payton is "utilized to calculate and adjusted recommendation score for a first user based upon a third party recommend score by a user with similar interests, for items which have not yet been viewed by a user." (See Id., p. 3, l. 22 – p. 4., l. 6). However this assertion is incorrect. The Examiner initially equates the ratings of a program of Payton to the recommendation score recited in claim 1 of the present invention. According to Payton, the collaborative filter *predicts* ratings for each subscriber for items that have *not been rated.* (See Payton, col. 8, ll. 50-58). Based on the Examiner's assumption, Payton fails to provide a user recommendation score for the items that have not been rated. The intended purpose of the collaborative filter, as described by Payton, is to predict the rating. In other words, Payton creates a rating when there is no rating. The overall purpose and functionality of the collaborative filter does not serve an equivalent purpose, nor perform an equivalent function, to the limitations recited in claim 1 of the present invention. The prediction, or creation, of a rating is decidedly different from calculating an adjusted recommendation score based on a user recommendation score. Payton simply inputs in a rating when the user does not have a rating. Without an existing user rating, Payton cannot disclose the adjustment of the existing user rating. Accordingly, Payton fails to teach or suggest, "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score," as recited in claim 1.

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Maissel generally refers to an apparatus for allegedly improving an electronic program guide for use in a television system. Specifically, the apparatus may allow the viewer to edit information in a viewer preference profile. (See Maissel, col. 12, lines 46-59). The viewer is allowed to provide information on programs the viewer prefers to view or does not prefer to view. (See Id.). One of the options disclosed is to allow the viewer to instruct the apparatus to include (or not include) programs recommended by one or more critics in the program guide. (See Id., col. 13, lines 5-7). In other words, the viewer, according to Maissel, may chose to accept all programs recommended by one or more critics, or, alternatively, reject all programs recommended by one or more critics.

While Maissel allows the viewer to include recommendations from critics, Maissel is silent on the use of third party recommendation *scores*. The use of third party recommendations is not equivalent to the generation of a third party recommendation score. According to claim 1 of the present invention, *a third party recommendation score* (a numerical value) *is generated for at least one available item* based on a selected third party recommendation. However, Maissel simply discloses that a viewer may instruct a display apparatus to include or not to include all of programs recommended by a critic, without considering a numerical, quantifiable value for an individual available item. Thus, similar to both Gutta and Payton, Maissel fails to teach or suggest, "generating a third party recommendation score for said at least one of said available items based on said selected third party recommendation," as recited in claim 1 of the present invention.

Likewise, the use of third party recommendations is not equivalent to adjusting a user recommended score based on a third party recommendation score. According to claim 1 of the present invention, *an adjusted recommendation score* (a numerical value) *is calculated*

based on the third party recommendation score. However, as discussed above, Maissel fails to teach or suggest the use of user or third party recommendation scores. Maissel simply allows the viewer to add in, or not add in, programs recommended by a critic. Without the use of a numerical system of the recommendation score, Maissel fails to teach the calculation of an adjusted recommendation score. Accordingly, similar to both Gutta and Payton, Maissel fails to disclose, "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score."

It is respectfully submitted that disclosures of Gutta, Payton, and Maissel fail to teach or suggest, either alone or in combination, a method having each of the claim limitations recited in amended independent claim 1. Applicant respectfully submits that for at least the reasons stated above, claim 1 of the present application is not obvious over Gutta in view of Payton and Maissel, and request that the rejection of this claim be withdrawn. As claims 3-9 depend from, and therefore include all the limitations of, claim 1, it is hereby submitted that these claims are also allowable.

The Examiner analyzed and rejected claims 10 and 19 as corresponding to claim 1. (See 11/17/06 Office Action, p. 5, ll. 1-2). Amended claim 10 recites, *inter alia*, "...generate a third party recommendation score for said at least one of said available items based on said selected third party recommendation; and calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." Therefore, Applicant respectfully submits that claim 10 is allowable for at least the reasons discussed above with regard to claim 1. As claims 12-18 depend from, and therefore include all the limitations of, claim 10, it is hereby submitted that these claims are also allowable.

Amended claim 19 recites, *inter alia*, "...a step to generate a third party recommendation score for said at least one of said available items based on said selected third party recommendation; and a step to calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." Therefore, Applicant respectfully submits that claim 19 is allowable for at least the reasons discussed above with regard to claim 1.

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gutta in view of Payton and Maissel and in further view of U.S. Patent No. 5,754,939 to Herz et al. ("Herz"). (See 11/17/06 Office Action, p. 6, lines 13-15).

As discussed above, neither Gutta nor Payton nor Maissel, alone or in combination, teach or suggest all the limitations of independent claims 1 and 10. It is respectfully submitted that Herz is insufficient to cure the above-stated deficiencies of Gutta, Payton, and Maissel. Because claim 8 depends from, and, therefore includes all the limitations of, claim 1, it is respectfully submitted that claim 8 is allowable for the reasons stated above with reference to claim 1. Because claim 17 depends from, and, therefore includes all the limitations of, claim 10, it is respectfully submitted that claim 17 are allowable for the reasons stated above with reference to claim 10.
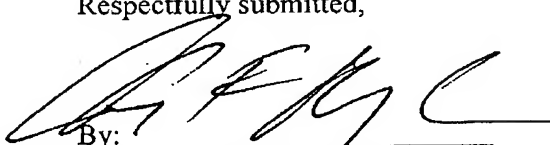
CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now

pending claims are in condition for allowance. All issues raised by the Examiner having been

addressed, an early and favorable action on the merits is earnestly solicited.

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